

THE ZAKAT CONCEPT AND PEOPLE EMPOWERMENT IN SUKABUMI REGENCY WEST JAVA PROVINCE

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ABSTRACT

The purpose of this research is for the concept of Islamic law on the legal certainty of zakat, the distribution of zakat, the management of zakat, the empowerment of zakat, the prospect of distribution, management, and zakat empowerment for poverty alleviation and expansion of employment opportunities in Sukabumi Regency. The method of this research is normative juridical research method. This research is not only descriptive (describing what is real), but also prescriptive (determining what it should be). Thus, this study was approached with a doctrinal approach, based on legal doctrines related to legal cases in the land sector.

The result of this research is that legal certainty refers to the imposition of a clear, consistent, and consequent law whose implementation cannot be influenced by subjective circumstances. The social field of humanity has a greater percentage of zakat distribution than the economic field. To manage and empower the zakat, it is necessary to have a special institution which then known as 'the amil zakat', that is the person or legal entity appointed to work professionally so that the collection and distribution of zakat can run properly and maximally to 8 asnaf (the rightful person receive), they are: fakir, poor, amil zakat, muallaf, servant sahaya (riqab), gharimin, fi sabilillah, and ibn sabil. By realizing if it meets the principles of Islamic value and synergistic with skill in institutional management. The effort to bring about justice in the law is a dynamic process that takes a lot of time. By paying attention to the condition of the people who are left behind, in terms of economy, education and culture, to demonstrate the meaning of fisabilillah as one of the mustahiq zakat, a broader understanding is needed to be given the right of zakat to this group. Thus, this socialization should be able to convince the public that the more appropriate with the guidance of sharia is to submit zakat to the amil institution, and not directly to mustahik.

KEYWORDS: *The Zakat Concept & Empowerment People*

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INTRODUCTION

Zakat has an important position, strategic, and decisive, both seen from the side of Islamic teachings as well as in terms of the development of the welfare of the *ummah*. As a primary worship, zakat is one of the pillars (the third pillar) of the five pillars of Islam. Its existence is regarded as *ma'lum minad-din bidh-dharurah* or it is known automatically and is an absolute part of a person's religion (Didin Hafidhuddin, 2002: 1). In addition, zakat can be viewed as a worship that has a double phenomenon that is religious and social. In religious phenomena, zakat is always associated with religious laws that normatively have been established through the provisions of revelation. As a social phenomenon, the implementation of zakat should always be reviewed, evaluated and perfected in accordance with the development and demands of the community from the stage of collection, management, distribution to the stage of utilization (*Ibid*).

Zakat in Islamic economic system has a social aspect in building a system that can realize prosperity also for handling poverty problem. Emphasized by Azhari, about the growing meaning of zakat, he said that zakat also creates growth for the poor. Zakat is a whip that makes zakat not only creates material and spiritual growth for the poor but also develops the soul and wealth of the rich (Ridwan Mas'ud, 2005: 103). The purpose of zakat that is moral moral, that is, a Muslim feels to carry out the religious duties that must be borne, while realizing that the treasure that dipilkinya is Allah's treasure because zakat can avoid the accumulation of assets and economic concentration on a person, a group of people or companies that are incompatible with principles of justice and equity (Didin Hafidhuddin, Of. cit: 56).

Zakat is a whip that makes zakat not only creates material and spiritual growth for the poor but also develops the soul and wealth of the rich (Ridwan Mas'ud, 2005: 103). The moral purpose of zakat, that is, a Muslim feels obliged to perform the religious duties, while realizing that his possessions are Allah's treasures because zakat can avoid the accumulation of assets and economic concentration on a person, group or company that is not in accordance with the principle justice and equity (Didin Hafidhuddin, Of. cit: 56).

Zakat has the great economic potential both in terms of its acceptance and in terms of its empowerment. In order for the charity to be real as a fund to tackle and reduce the poverty of the community and as a means of equal distribution of income that is shown to create social justice, the management of zakat should be regulated by the government through legislation. As with the issuance of Law no. 23 Year 2011 on the Management of Zakat (Ridwan Mas'ud, Op. cit: 117). Zakat is a form of one of the most important revenues of other state-owned income at the time of the Prophet Muhammad and the *Khulafa al-Rashidin* in the form of money and their followers until the Day of Resurrection (Abdul Al-Hamid, 2006: 9). Zakat performs its duties in realizing the increase of productivity in wealth. Zakat as a circulator that manifests the interests and fulfillment of the need for those who issue it and also for those who receive it. Zakat is the main foundation of a true economic system, which has no negative impact and destroys and destroys the system itself (Ibid: 22).

To be able to make effective utilization of zakat, the socio-economic aspect needs to get emphasis. Zakat funds are not prioritized for consumptive, but zakat funds must be productive. There is two approaches that can be used, firstly partial approach, in which case the utilization of zakat funds directly given to the *mustahik* is incidental, this approach sees the *mustahik* condition which is urgent to get help, maybe because of the grave condition, but this is more consumptive. The second approach, the structural approach, the weighted approach to the allocation of zakat funds that is productive to the *dhua'fa* by providing funds that are aimed to be impossible to overcome poverty, and even expected later they can become *muzaki*, no longer *mustahik* (recipient of zakat) but turned into *muzaki* (Ridwan Mas'ud, Op. cit: 104).

According to Muhammad Daud Ali, the charity has two functions namely for the giver of zakat (*muzaki*) to clean up his wealth and his soul so that always *fitrah* and the second function is the social function to reduce poverty. To achieve the second function of the utilization of ZIS can be classified into 4 categories as follows (Mohammad Daud Ali, 1998: 61):

- The traditional consumptive utilization of its nature in this category of distribution is given to people who are entitled to receive it for direct use by the concerned such as zakat *fitrah* given to the poor to meet the daily needs or the charity of property given to victims of natural disasters.
- Consumptive use of creative means of distribution in the form of school tools or scholarships and others.
- Traditional productive utilization, meaning distribution in the form of productive goods, such as goats, cattle,

tools carpentry, sewing machines and so forth. The purpose of this category is to create a business or provide employment for the poor.

- Creative productive utilization, this utilization manifests in the form of capital that can be used either to build a social project or to assist or increase the capital of a trader or small entrepreneur.

K. H. Sahal Mahfudh, one of the charismatic scholars, NU senior figures, and General Chairman of the MUI Center, in his book *Nuansa Fiqh Sosial* argues that the efforts to increase the economy *mustahiq* or can also be said to attempt to overcome poverty that occurs in Muslims can be done through the prayer model *da'wah* approach. The first approach is done through the provision of motivation (KH. Sahal Mahfudh, 1994: 119). Good motivation to *muzakki* or motivation to *mustahiq*. To *Muzakki* strived for awareness raising of the rich to the poor or *mustahiq*, and to the *mustahiq* strived to motivate them to always be a steadfast, patient, and always try, work, entrepreneurship, to be able to live independently and maintain the honor of himself and his family as a Muslim. The second approach or *da'wah*, and this is the most important and the most fundamental, namely *da'wah* in the form of action or real action or programs that directly concern the needs of the poor or other *mustahiq* experts. Although this second form of *da'wah* has been widely practiced by Islamic institutions, it is more done sporadically, unorganized and comprehensively planned. So the expected results are not maximal, and the unfavorable effects such as the creation of a dependent attitude (dependent on others, not independent, waiting for the compassion of others, not hard or trying) on self *mustahiq* (*Ibid*).

LITERATURE REVIEW

METHODOLOGY

This research is a normative legal research with a statutory approach (Peter Mahmud Marzuki, 2006). The statute approach is done by studying the ontological basis of the birth of legislation, the philosophical basis of legislation. Through these legal materials, it is hoped that a future legal policy format will be discovered that will reveal the protection of individual land rights. Secondly, secondary legal material, which provides explanation of primary legal materials, such as: the results of previous research, scientific works of legal and non-legal experts relevant to the object of this study, minutes of the establishment of law; and thirdly, tertiary legal material that provides guidance and explanation of primary and secondary legal materials, in the form of dictionaries and encyclopaedia's (Soerjono Soekanto and Sri Mamudji, 1995: 29).

Processing and data analysis used is descriptive qualitative. Data processing is essentially an activity for the systematization of legal materials. Systematization means making a classification of these legal materials to facilitate the work of analysis and construction (Soerjono Soekanto, 1986: 251-252).

Judging from its purpose, this research method is normative juridical research method. This research is not only descriptive (describing what is real), but also prescriptive (determining what it should be). Thus, this study was approached with a doctrinal approach, based on legal doctrines related to legal cases in the land sector. Thus, the reasoning used in this study combines deductive and inductive methods to explain the concept of Islamic legal certainty in the implementation of Sukabumi District Regulation on Zakat in Sukabumi using four approaches, among others: First, the historical approach is used to explain the general picture of the application of zakat legislation in Sukabumi Regency; Second, the philosophical approach is used to explain the concept of zakat legislation in Sukabumi through the perspective of Islamic legal philosophy, both on the ontological and the ideological and the axiological aspects; Thirdly, the sociological approach is used to explain the reality of the application of the Sukabumi Regulation on zakat which is traced through social facts and

legal facts; and Fourth, the juridical approach to explain the theoretical framework of *Fiqh* transformation of zakat into zakat legislation in Sukabumi.

RESULTS AND DISCUSSIONS

RESULTS

The result of this research is that legal certainty refers to the imposition of a clear, consistent, and consequent law whose implementation cannot be influenced by subjective circumstances. The social field of humanity has a greater percentage of zakat distribution than the economic field. To manage and empower the zakat, it is necessary to have a special institution which then known as the *amil zakat*, that is the person or legal entity appointed to work professionally so that the collection and distribution of zakat can run properly and maximally to 8 *asnaf* (the rightful person receive), namely: indigent, poor, *amil zakat*, *muallaf*, *hamba sahaya (riqab)*, *gharimin*, *fi sabilillah*, and *ibn sabil*. By realizing if it meets the principles of Islamic value and synergistic with skill in institutional management. The effort to bring about justice in the law is a dynamic process that takes a lot of time. By paying attention to the condition of the people who are left behind, in terms of economy, education, and culture, to demonstrate the meaning of *fi sabilillah* as one of the *mustahiq* zakat, a broader understanding is needed to be given the right of zakat to this group. Thus, this socialization should be able to convince the public that the more appropriate with the guidance of sharia is to submit zakat to the *amil* institution, and not directly to *mustahik*.

DISCUSSIONS

The Definition of the Zakat Concept

There is an interconnected statement describing a group of events/events and is a basis or guidance in conducting a study, in which theories and concepts can provide a systematic description of a phenomenon (<http://www.sumberpengertian.co/pengertian-concept-in-common-and-by-expert-experts>). According to Wood ruf, it is a relatively perfect and meaningful idea/idea, an understanding of an object, a subjective product derived from one's way of making sense to objects or objects through experience (after perception of objects) (Ibid).

The zakat is a service of *maliyyah ijtima'iyah*. This worship becomes a certain right that Allah requires of the wealth of the Muslims that is intended for the poor and other *mustahik*. Thus, zakat can be viewed as a sign of gratitude for the blessings of Allah and to draw closer to Him and to cleanse himself and his property (O. Taufiqullah, 2004: 54). So the concept of zakat here is the basic or guidance that gives a picture of *maliyyah* worship of the property of the Muslims who are intended for *mustahik* zakat.

Empowering People

The people in this study are addressed to the followers of Islam. Empowerment of the *ummah* is a process that seeks to improve the quality of life of individuals or groups of people to move from the quality of previous life to the next quality of life. (<http://ukhuwahislah.blogspot.co.id/2014/12/makalah-pendidikan-islam-and-proses.html>).

With the existence of zakat is expected of Muslims can be improved quality of life. Therefore the meaning of empowerment of people has coverage on various aspects of education, economic, political, and social culture of Muslims.

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The Law Concept

This research uses the Credo theory is the recognition and the set of beliefs/beliefs that master the taste, perception, reflection, and action (Elza Peldi Taher, 2009: 209) or the *shahada* theory, the theory that requires the implementation of Islamic law by those who have uttered two *kalimah shahada* as a logical consequence of his credo pronouncement (Juhaya S. Praja, 2009: 133). The real theory is a continuation of the principle of monotheism in the philosophy of Islamic law which requires the enforcement of Islamic law by those who have uttered the two sentences of the creed, that the person who has accepted Islam as his religion means he has accepted the Islamic authority over him (HAR Gibb 1993: 145- 146).

As a legal system, Islam has been exercised with full awareness by its adherents, as a reflection and reflection on acceptance of Islam as a belief religion (Mahsun Fuad, 2005: 5). This grand theory is used to explain the legal awareness of society to the implementation of zakat money in Indonesia. The substance of law usually involves aspects of legal or statutory arrangements. The emphasis, the legal structure more to the apparatus and the facilities and infrastructure of the law itself. Meanwhile, the legal culture concerns the behavior of its people (Ibid). Furthermore, the rule of law is strategically placed as the foundation and adhesive of other fields of development as well as the life of the nation and the state through a national legal system. Law as the foundation of the development of other fields means the actualization of the function of law as a tool of social engineering or development (law as a tool of social engineering). Social engineering in this research is defined as direction and guidance from above which is the same as a top-down approach. The development of the law thus becomes part of the foundation to benefit the upper society so that in practice it is more beneficial to the people especially the rulers and entrepreneurs (Todung Mulya Lubis, 2005: 132), dispute resolution instruments and social governance instruments control) (Maria Farida Indrati S, 2007: 51).

The effort of the Indonesian government to bring the substance of sacred Islamic law into the compilation of Islamic law was still encountered with the assumption of desecration of the book of fiqh through the use of artificial material (Abdul Gani Abdullah, 1994: 25). The substantive transformation of Islamic law into national law will, however, be preceded by historical references with constitutional and historical considerations of the nation (Ibid: 28). The birth of a law with a material source that does not touch a living normative culture is not necessarily a panacea for social problems. (Ibid).

In order for the law to function maximally, legitimation is required from the community. The legitimacy also includes recognition of minority rights to take part in championing their interests in the context of making public legal political decisions (Reza A. A. Wattimena, 2007: 123). Legal norms form the social order, i.e. legal institutions. These norms underlie legitimate orders. Traditional institutions that legitimize themselves through religion or metaphysics are also included in the legitimate order. Instead of the naturally growing traditional institutions now looming legal institutions in comparison with the old institutions are characterized by higher rationality. This reflective legal order is based on a discursively testable consensus (Francisco Budi Hardiman, 2009: 62). These legal institutions are judicial institutions (judges), police, lawyers, and prosecutors (Denny Indrayana, 2008: 229) That the state is a coherent legal entity. Therefore, every person must obey and submit to the state as a unity of the rule of law. What the state wants (*wille das staates*), is also desired by law (Mohamad Sobary, 2010: 199) thus, the law is identical with the state, while the state is the embodiment of the law (Aim Abdulkarim, 2006: 7).

The discourse on substantive justice leads to the reform of the legal institutions and the things that must be addressed and developed within the institution (Mohamad Sobary, Op.cit: 199). To strengthen the rule of law there are three important elements. First, legal institutions (Attorney, Police, and Justice as well as Advocates). Second, the legal substance, third, legal culture (Ibid). The legal culture though considered a less obvious component but is considered the foundation of the legal system. Without legal culture, the legal system will not be empowered. The culture of law appears in trust, value, thought, and hope. The legal culture is another word for the social atmosphere and power that can determine how the law is used) of society. The law not only limits power but also distributes power to society. Power is distributed to individuals and also to state agencies or institutions. The power regulated by law is controlled power. Legal institutions will develop well in a regime and politics that can be effectively controlled by law (Mawrahni Ria Siombo, 2010: 35). However, changes in the legal structure without the accompanying changes in legal culture, the result will not be significant (Nurcahaya Tandang, 2005: 9).

Legal culture (Journal of Communications, 2007: 42) is a human attitude towards law and legal system, in which there are beliefs, values, thoughts, and expectations. In this legal culture, these thoughts and opinions are more or less a determinant of the course of the legal process. In other words, legal culture is the social mood and social forces that determine how the law is used, avoided or abused. Without legal culture, the legal system is powerless. Legal culture can also be regarded as anything or anyone who decides to turn on and off the machine (the legal structure). Legal culture can be likened to gasoline that drives all the elements contained within the machine (structure and substance of law) (Yesmil Anwar and Adang: 204 and A. Parta M. Zein and Daniel Hutagalung: 2007) Legal culture is a very influential factor on whether or not a legal substance works in society (Irianto, 2006: 319).

As a unique culture, the custom has never given itself a rigid boundary and definition in law, but allows it to flow like a stream of river water, following the movement and changing lives of people. New law traditions can, therefore, be seen not as enemies but as an enrichment of indigenous life (Ratno Lukito, 2012: 46-47). One of the most prominent features of the law in modern society is its conscious use by society. Here the law is not only used to reinforce the patterns of customs and attitudes contained in society, but also to direct to desired goals, abolishing habits which it deems no longer appropriate. Legal culture is a part or subsystem of the legal system, which relates to ideas, attitudes, beliefs, expectations, and views about the law that contain the values (Journal Komunika, Op.cit).

In the spirit of the nation and state development, as well as the search for the ideal relation of religion-state, the birth of various shades of Islamic legal thought, at least can be assumed in two general frameworks, namely participative and liberation. The first perspective presents Islam as law as a tool of social engineering. (Roscoe Pound, 1992: 59-99) with the state (ruler) as the formulation actor. While the second perspective of Islamic law as a medium of counter-discourse with the people as the cast (Mahsun Fuad, 2005: 6).

When viewed clearly and thoroughly, the real law is like a double-edged knife. On the one hand, the law can be a repressive law, but on the other hand, the law can also help toward a change (facilitative law), or as a means of social change (agent of social change).

In its reformative function as a tool of social engineering, in Indonesia, legal reform is often discussed in its limited concept as legal reform (reform of law or renewal of legislation system). In this concept, legal reform will take place as a legislative activity that generally only involves the thinking of politicians or professional thinkers/elites (Yesmil Anwar and Adang, Op.cit :: 297).

In the case of law as the engineering of social forces in society, it is apparent in a liberal-state system of the state, in which the coalitioning or winning groups (the majority), engineer the law. In this case, the interests of the class are more dominant than the public interest, no need to be explained again (Anwar Harjono, 1995: 131).

In the case of law as a tool to fabricate society, the law is really used to realize the interests of society and nation, regardless of economic, status, origin, religion, ethnic group, and so forth (Ibid). Law is not just a fence, but also as a guide or a joint guide, so that the behavior of each individual or group that meet each other can be in accordance with common interests (F. Budi Hardiman, 2010: 365). Here the interests and common welfare are common good of people who uphold the value of justice (Andrea Ata Ujan, 2009: 232).

The concept of law as a means of social foundation community without risk. The law placed in the face of reality should not be too far from reality. It must be fully realized that what will be renewed is the culture of community law, and cultural values are among those that are not easily changed. If the value (legal culture) to be implanted in a legal norm is too far from reality, the rejection reaction arises. Such counter-reaction would create instability in the law, which in turn would threaten the development of development. To minimize the possibility of rejection, it is necessary to institutionalize the law as described above. That is, legal norms are poured in various forms (format) law, whether in the form of laws, government regulations, and so forth (Darji Darmodiharjo, 2006: 252).

Opinions see the law as a tool of the country's development in Indonesia is actually derived from the theory of Roscoe Pound "the law as a tool of social engineering" which was further developed by Mochtar Kusumaatmadja as a philosophical foundation to give a more important role to the law in order to support the development process of State (Yesmil Anwar and Adang, Op.cit: 3). The law thus plays its conservative role as a justification of the ongoing de facto development (Mahsun Fuad, Op.cit: 153). The legal theory of development proposed by Prof. Dr. Mochtar Kusumaatmadja also became one of the foundations of the study of law enforcement in Indonesia (Irianto, Op.cit: 60). Thus, all development policies are directed towards the realization of an economic order of life, and for this reason, all facilities and conveniences are provided primarily through legal products of a nature that support and protect the rate of economic growth (Ibid).

The role of law here is very important in facing various problems in the era of trade and free competition. Law is required to play its role in the face of the free market. In this case, the function of the law is no longer just to maintain "order", but must be able to function as a tool for the renewal of society or means of channeling the direction of progress in the economic field in order to achieve a prosperous society with justice (Sukarmi, t.t: 7).

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Islam is the religion of welfare, therefore God sent the Prophet Muhammad. As His Apostle is merely to realize the welfare of his people throughout this world (Al-Qur'an *Surah Al-Anbiya* verse 107). Islamic teachings are able to lead followers to achieve a prosperous life as long as his people really consistent practice his teachings. Islamic teachings are the main pillars there are four namely: Faith, morals, worship and *muamalah duniyahyah* (Didin Hafidhuddin, Op.cit: 107).

The four pillars are a whole that should not be just picked which one likes, but is a unified whole in which faith is the basic foundation that must be strong and strong. People who have a strong and solid faith in everyday life will show the characteristics of life and life always with God, for God and to achieve the ridicule of God. Furthermore, on top of building

a strong faith will form *akhlakul karimah*. The *Akhlakul karimah* is the behavior of someone who always adjusted to the provisions of Islamic teachings of the Qur'an and *As-Sunnah* (al-Hadith), in other words, the behavior of a person who always measures the truth based on the standard of Al-Qur'an and *Al -Hadits*. After his faith and good morality, then that must exist is a good building of worship, which is in the form: Prayers, zakat, fasting, hajj and others worship (*ibadah mahdhoh*) (Ibid).

The other worship actually in Islam is not an objective, but rather is a matter of how a Muslim is to be a good faith and good morality; therefore someone who does praying, zakat, fasting, and pilgrimage should result in a refresher of his faith and motivation to behave well. Furthermore, a Muslim who has a good quality of faith, the *akhlakul karimah*, and worship well, then they will do *muamalahduniawiyah* that interact with other people in society well too, that is in the course of fulfilling the necessities of life as social beings always heed the halal and haram, and always pay attention to the benefit of *the ummah*. That is a Muslim who has the title of the *insan kamil*, or people who really pious (*muttaqin*). And everyone has the same opportunity to become a *kamil* or a *muttaqin*, both men and women with no tribe, race or class. When that person occupies the position of our human beings, then indeed they have indeed obtained the essential welfare, both spiritual and physical. In other words they have been able to meet the needs of himself spiritually that is satisfied because he feels blessed by God so that his life becomes meaningful and able to meet his physical needs that are able to meet the needs for his worldly interests of clothing, boards, and food and so forth in the framework of his devotion to Allah SWT (Ibid).

Although the teachings of Islam have been so good in regulating the ways of obtaining human welfare by organizing the pillars of Islam, which if carried out consequently guaranteed by Allah would have won the welfare (Qur'an Surah Al-a'raf verse 96), but the concept of God is in reality only a few Muslims who believe and practice it. As for most of them, Muslims doubt and do not believe it, so that in Islam is generally inconsistent Muslims or just bits and pieces only. There is a part of Muslims only take faith and worship alone, and even then with the wrong understanding, that faith is not intact but mixed with the faith to the other than Allah, then worship it is the ultimate goal of Islam, so after worship they assume has perfect Islam, without having to do *akhlakul karimah*. Some Muslims who think that the important *akhlakul karimah*, without having to believe and worship the good. What else in *muamalah duniayahyah* almost the majority of Islam do not link as a pillar of Islamic teachings of the principal or the main, so that with this mistaken understanding that not a few Muslims who are not mandatory in carrying the duties and responsibilities, corruption is considered normal, as well as lie in giving information, blackmail, oppressive become his habit without feeling sinful, bribing, collusion and the like is a culture that clings to the clothing of Indonesian Muslims. The consequences that arise are disunity, poverty, ignorance and other setbacks of Muslims.

Islam has good teaching to alleviate poverty, namely: zakat, *infaq* and *shadaqah* the concept of zakat which is alms must have a size limit or so-called *nisab*. *Nisab* is a minimum provision of the limit of property that must be issued as the property of zakat. As for *infaq* and alms is not determined *nisabnya*, is the sincerity of a Muslim to give some of his property, little or much based on sincerity, but sure of who is the most the *infaq* and *shadaqah* sincerely is the best deeds, so God intended to make people race who best charity, as well as a test of who is best his charity (Qur'an Surat Mulk verse 2) (Ibid).

The provision of *Nisab* in the *zakat* of treasure is a minimum requirement when normal circumstances, meaning that when there are no urgent matters of the *ummah* need immediate treatment. But when urgent conditions such as hunger,

natural disasters that burden suffering in the form of clothing, planks, and food, eradicate ignorance, disease outbreaks and so forth, the provisions of the *nisab* zakat can become more, as can be 5% even more for the type of property business which was originally only 2.5%.

The zakat treasure in Islam is a teaching of one package with the teachings of worship. In the Qur'an almost every command of prayer is always accompanied by the command of zakat. Why Allah gave the zakat command every *shalat* command must surely be understood that the zakat is the same as the prayer in the tempo of worship and social cultivation. If the prayer as an effort of community development so that the Muslims who can uphold the pillars of life such as: honesty, justice, trust, discipline, responsibility, confirmation, and unity, then zakat also gave birth to Muslims who have social care and social generosity. All of these are important pillars of community life, which when no one can paralyze the joints of people's lives. Social care and social generosity are absolutely necessary. When social concern and generosity cannot be ensured poverty will become more and more vulnerable which may have other negative impacts in the form of other social slumps (Ibid).

Meanwhile, Muslim perception of zakat is a separate obligation with prayer, so that Muslims, in general, are only concerned with praying, while with zakat is almost ignored by Muslims. Different if Muslims can be changed their perception of zakat as the obligation of a package with prayer, then the behavior of Muslims will be concerned with zakat as they attach importance to prayer. So it's important to straighten out this perception.

Islam's concern for the poor is very large and is principal. To realize it Islam makes Zakat the third pillar after prayer, as can be seen in a hadith narrated by Imam Bukhari and Muslim which means: "Islam is built on the five pillars, the testimony that there is no god but Allah and Muhammad; establishing prayers; pay zakat; fasting in the month of Ramadan; and the pilgrimage for the capable". In the Qur'an is declared by Allah every commandment of prayer is always followed by zakat. This certainly shows how closely the relationship is between the two. Even Islam requires people who convert to Islam by doing prayers and paying zakat. (See Al-Qur'an Syrat At-Taubah verses 5 and 11) (Ibid).

Some of the *shahabah* of the Prophet stated about the following zakat; Abdullah ibn Abbas declared, "All of you are commanded to establish *shalat* and pay zakat. Who does not issue zakat then his prayers will not be accepted ". Next, Jabir bin zaid says, "*shalat* and zakat are obligations in one package, both are inseparable. Allah will not accept prayer unless accompanied by zakat". Abu Bakr's best friend when he became Caliph said, "By Allah, I will fight who separates prayer and charity".

Second, the *nisab* zakat as maximal provision is not minimal, public perception about *nisab* zakat as maximal regulation like so far need to be reformulated. How can people change their perception that the *nisab* of zakat contained in the arguments of the Qur'an and hadith is a minimal requirement, so that the Muslim community can have an awareness of giving *zakat* by competing to give as much as possible, because according to Islamic teachings to race - the race in goodness is highly recommended (Al-Qur'an Surah Al-Baqarah verse 148).

Can be imagined, if the Muslim community can change perceptions that *nisab* zakat determined by the teachings of Islam as a minimum provision is not the maximum provisions, it will be a lot of zakat money that can be collected. On the other hand, social psychology can be understood that the perception is a selective process of interpretation which will then manifest the action, besides it can be understood that with the perception of *nisab* as a minimum provision there is a very extraordinary educational process for Muslims to motivate themselves to pay zakat- the number, rather than when

nisab is perceived as the maximum provision (Didin Hafidhuiddin, Op.cit).

Third, zakat is only interpreted as worship only. Zakat is only interpreted by Muslims in general as worship alone, thus the value of zakat penetration is paramount is for the zakat only, that is, to avoid sin because it has carried out obligatory worship obligations and get a reward that will deliver life itself safe and happy on life in the hereafter. Such perceptions certainly do not bring much good, especially for efforts to alleviate poverty and brotherhood of Muslims is very important and the principal is the wisdom of zakat obligation in the teachings of Islam (Ibid).

It is time for Muslims to reform themselves, self-introspection, why Muslims are weak, Muslims are not advanced, Muslims are stupid, poor and backward, and many more similar stigma is for the ummah. Islamic teachings always teach that Muslims can live better than yesterday. In a hadith the Messenger of Allah declared "Who is the same as the state of yesterday then they are the losers, who is worse than yesterday then they are people cursed by Allah, and who is better than yesterday then they are people who are lucky ". (Al-Hadith). Allah also states unequivocally that He (Allah) will not change the condition of Muslims from adversity to success unless the Muslims themselves are willing to try to change it (al-Qr'an Surah Ar-Ra'du verse 11) (Ibid).

There is no other way unless Muslims are aware of their consciousness and want to change the self-perception of zakat, not only meaningful worship but that zakat in Islamic teachings in addition to meaningful worship, also zakat is obligated for carrying the true mission of Islamic fraternity and as a means poverty alleviation. Both of these things in the life of the Muslim community are really needed existence. The ultimate Islamic brotherhood cannot always be cultivated in the realization of very difficult and even impossible, it is because Muslims do not have the correct perception of zakat to knit the true brotherhood of Muslims. In the absence of such a perception, the Muslims have no business at all through their zakat intended for the realization of the true brotherhood of today's Muslim Brotherhood is actually a pseudo-fraternity, meaning it is not true brotherhood or true brotherhood. A brotherhood that exists among Muslims just a fraternity share the sadness when there is a disaster, or come to feel the happiness. When there is brother get happiness. Not to the extent to come to think, to sacrifice for the benefit of his brother in the daily social life of society. Even the tendency that there are fellow Muslims of each other ignorant matters that he and his family survived. Such a condition must be realized by all Muslims and begins with scholars, intellectuals or Muslim intellectuals in the framework of saving the people of the future ((Didin Hafidhuiddin, Op.cit).

On the other hand, the problem of poverty of Muslims is always there everywhere. In this case, Muslims have never been any effort through this charity to eradicate this poverty, the problem is because there is no perception of Muslims that the zakat is obliged in Islam is to poverty, so with the perception that Muslims have never been a real effort zakat is to alleviate the poverty of Muslims. Even if there are efforts to alleviate poverty through the zakat worship this is still very small, that is by a small part of Muslims who are aware of moving the *amil* zakat body. *Amil Zakat Agency* at that time is still a small handful throughout this archipelago that exists and began to move thinking towards the alleviation of poverty. For *amil* zakat agencies that already exist in several areas throughout the archipelago when viewed from the way and the results of its work has not been optimal. For some areas, it can be said that the work is still conventional. Be grateful for some areas although the quantity is still very minimal and can be counted on the fingers have begun tilled leads to the professional way. Yet if Muslims want to be aware and want to think a little about the benefits of zakat for poverty alleviation, then the results will be extraordinary, and almost all Muslims agree would be able to overcome or alleviated poverty with zakat, because the majority of Indonesia's population is Muslims who have zakat (Ibid).

The perception of zakat for Muslims needs to be renewed, so in the case of alms it turns out that most Muslims have a narrow perception of alms. During this time the Muslim perception of alms is very narrow. Alms only interpreted as something additional charity that if he wanted to do and if do not want nothing. Such perceptions of course very narrow, but according to the teachings of an Islamic charity that in addition to having the good and benefit of the person who charity, also have goodness for the community or others.

The good for him is that the person who gives charity will get the reward, the more alms given, the more reward he earns, besides the one who gives charity much will be liked by others, respected and appreciated. As for the profits gained, that alms it turns out to increase the wealth of the people who charity, to borrow the term Aa Gim designation for Abdullah Gimnastiar, a famous Kiai today that alms it is to provoke property. Some hadith of the Messenger of Allah. About alms is quite a lot: Hadith History Bukhari and Muslim: "It is impossible to reduce the wealth given as alms". Hadith narrated by Imam Muslim: "Spend your wealth; I will give you a living". Hadith narrated by Imam Baihaqi: "Lower (renden) your rizkimu (from Allah) by issuing alms". And many more hadiths of a kind.

If so great benefits of alms to the giver of alms, why Muslims are not many who want to charity, or want to compete in charity. The answer is certainly the misperception or misperception of Muslims about these alms. This misperception of perception can occur due to lack of information obtained about alms from sources of Islamic teachings from both the Qur'an and the hadith of the Prophet. As for the good of others or society, then with alms it can strengthen friendship or brotherhood or brotherhood or unity of Muslims, and that is not less important if the alms can be formatted and managed professionally, then certainly can alleviate the poverty of Muslims who are currently becoming the main scourge of Muslims and a source of social problems.

Muslims have known some good and profits from charitable deeds and made them a perception, so that alms become something interesting, fun and something to take precedence. Unlike all this time that charity is only a sideline charity if it has time and will and has no meaning except only a little.

ZIS management by Muslims at this time should be recognized still conventionally, except for only one or two areas that have led to professional ways, whereas the management of this ZIS is one important factor that will determine the success of Muslims to realize Ukhuwah Islamiyah and efforts to eradicate poverty. There are three major issues that cling to the management of this ZIS and should be immediately resolved. These issues are: human resources (HR), organization, and the zakat empowerment. These three issues will be discussed in the following description.

The human resource management issue of ZIS is the first crucial problem. Almost all corners of the country can be witnessed that those who are handed over to manage this ZIS are those people who are relatively low knowledge. They are generally mosque administrators who do not have the ability in science or economically. While the Muslims who have the ability in science and economics ,in general, do not want to reason there is no time or trouble and so forth.

Thus the management of zakat is carried out by Muslims who are relatively mediocre from all sides, consequently they never have the ability to initiate; his inability can be caused by scientific or intellectual disability and can also because there is no psychological courage due to several reasons such as minder, fear of wrong and so forth.

Poor human resources will affect them just wait, some people come to pay their zakat service, but if nobody comes also they do not feel dizzy or fret, they just work on it. The more fatal consequences of this way of working is for the people of Muslims who are generally knowledgeable about zakat mediocrity, so sometimes they pay zakat if they want

and sometimes do not pay zakat, will diminish the responsibility for pay zakat and eventually the society the longer the few who pay zakat not increase, and the most severe until no one wants to pay zakat, whereas many people who actually have obligation to pay zakat but do not want to pay zakat because no one asks. The other than that there are also people do not pay zakat due to confusion because they do not know how and how much money should be zakat. Other problems arising from low human resources, bookkeeping and reporting are not as expected. There is another issue that is not less important, namely the utilization of zakat property is not right on target; may be more distributions received by *amil* zakat while for the poor people very little, maybe zakat money is only intended for consumption only while for productive needs very little even none at all. Thus resulting in the lack of confidence of the community against the *amil* zakat that existed during this end, zakat no visible results for Muslims except very little. Because it is time for Muslims to immediately give serious attention in terms of choosing and placing human resources who will be handed to manage this zakat. For Muslims should be aware, especially those who have the ability both science and economics to be willing to even take over the management and committee of zakat where they are.

The organizational form of zakat management so far is generally only in the form of committees whose existence is very temporary, ie at the time of the fasting month after that the committee is dissolved or automatically considered dissolved after the completion of the division of zakat. In the year 2000 after the issuance of the Law of the Republic of Indonesia No. 38 of 1999 on the management of Zakat has started in some areas, or even almost all regions throughout Indonesia has been formed by The Zakat Agency (Indonesian: *Badan Amil Zakat*). However, in realization just touch government agencies by establishing the Unit of Zakat Collector (UZO), but not all agencies do it, because the implementation is still voluntary is not a requirement.

Government agencies are only a small part of the community of Muslims, and even then not entirely government agencies implement it to UZO. While most of the Muslim community is non-civil servants, or ordinary people, they are only a small minority of the people who consciously hand over their zakat to Zakat Agency in Province or Regency / City. So the Muslim community in general has not been formed by Law no. 38 of 1999 on the Management of Zakat. Perhaps if presented less than 5% of the total number of Indonesian Muslims.

It is an urgent need for even the realization of a moderate zakat management organization that is not merely a committee that is only temporary when Ramadan comes and breaks up after the month of Ramadan so repeats every year, without any evaluation of success, whether it is successful or unsuccessful. Are there any flaws and even errors in management practices and so on, it's all never done. While the community indirectly makes its own evaluation which is always a negative result, the consequences of zakat management never work well, although it still runs because it is a religious command that is obeyed, but its implementation may be mentioned always with the nuances of slander. It must be realized that in the absence of modern organization zakat management should not be expected zakat will be able to exist have significant meaning in realizing *ukhuwah Islamiyah* and alleviate poverty of Moslem. On the contrary it would be a slander that could destroy *ukhuwah Islamiyah* and preserve the poverty of Muslims.

From the above description can be understood the meaning of the presence of modern zakat management organizations that touch up to the level of rural. All of this is a very heavy homework and requires real hard work from various parties in a compact shoulder to shoulder and one step.

In functional analysis, the function of law as an instrument in social control or social engineering is not merely a function of the manifest (stabilization of other institutions in society), but also a latent function (destabilization of other

institutions in society). To be functional, it is necessary to strengthen reinforcement factors, as well as to weaken subversive factors. In order for the zakat regulation to have an effective impact on the behavior of law enforcers and the community in relation to the *waqaf* legal acts, it is necessary to enforce law enforcement so that the law provides a stabilizing function for religious institutions (religious interests) and economic institutions (promoting prosperity general). This framework of thought can generally be described as follows:

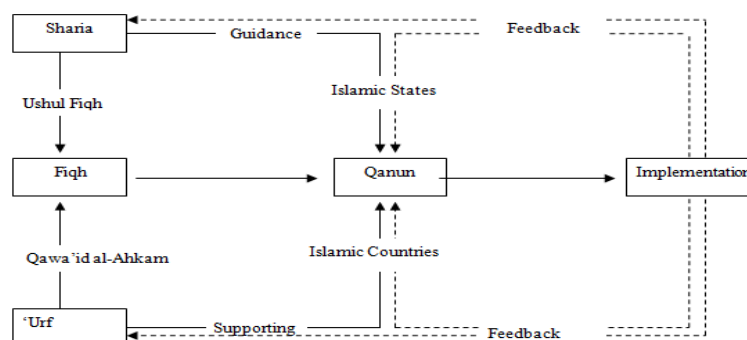


Figure 1

The concept of zakat and empowerment of people in Sukabumi Regency of West Java Province are:

- The legislation on zakat institution to become a Regional Regulation of Sukabumi Regency about Zakat is a legislation that is based more on a positivistic understanding of the law. In the *fiqh* scheme, zakat belongs to the recommended action (*sunnah*), so it does not require any compulsion to do or not to do it. In the perspective of sociological jurisprudence, zakat is a social law or living law, which is not necessarily legislated and is focused into state law or formal legal. The transformation of the *sunnah* into obligatory in any action can only be done. Social facts are very compelling, not just based on ideological-political demands (e.g., the rule of law or welfare states). The historical fact of the success of zakat as one of the important factors of Islamic civilization more shows the bottom-up process than the top-down; in an Islamic civil society, the provision of zakat is living law.
- As noted in the Sukabumi Regulation on Zakat, the zakat has not only religious potential but also social and economic potential if managed effectively. Considering the consideration of the Regional Regulation of Sukabumi Regency regarding the Zakat, then the need for legislation is the management of *waqaf*. Implementation of Sukabumi Regency Regulation on Zakat must be interpreted as law enforcement in the management of *waqaf*. If this is accepted, then the Regional Regulation of the Sukabumi Regency on Zakat should be judged on the basis of its relevance to other laws, higher and more equal; upheld by the authoritative apparatus; and supported by high public awareness. As a form of public policy, the zakat management law can be implemented if communicated with the material and communication media is clear and fast; supported by adequate resources (human, financial, and infrastructures); the preparedness of the apparatus and the people who are subject to the law; and supported by an easy, cheap, and fast legal bureaucracy structure. Based on the criteria of law enforcement and implementation of the law before, until this research is done, the law on the management of zakat is difficult to enforce and be implemented effectively.
- The effectiveness of the implementation of Sukabumi Regency Regulation on Zakat, both in the sense of distribution, management, and empowerment depends on the existence of the concept of legal certainty from the

Regional Regulation of Sukabumi Regency.

The distribution of zakat is divided into 2 priorities. The first priority is that the first four, the poor, the *amil*, and the convert are usually given directly in the form of money, while the second priority is given in the form of much-needed assistance ". Actually, this kind of system is so precise so that money is given not used for other purposes. And for distribution still, make the first priority a top priority. When the first priority is met, it is only given to the second priority group. A person can not necessarily become *mustahiq*. There are several criteria to be *mustahiq*. The Central Bureau of Statistics measures the poverty of the inability of people/families in consuming basic needs, while the National Population and Family Planning (NPFP) sees it from the inability to meet basic needs and psychological needs (welfare). The *amil* zakat agency itself defines some criteria to be *mustahiq* among others:

- Not able to meet basic needs. Examples are like eating only twice a day
- Inadequate residence.
- Cannot afford to pay school fees for his children.

But the *amil* zakat agency selection against *Mustahiq* not only here, does not mean The *amil* zakat agency directly provide assistance without any further action, but the management of The *amil* zakat agency also conduct a survey directly to the *mustahiq* house that has been recorded and also based on existing data in the field and then matched with the data in village levels. This is done so that the zakat funds can be channeled with the right target given to the right people to accept it, so that basic needs can be fulfilled. But zakat is not given continuously, because the form of distribution will be very not educated and will not mean anything if only given for the fulfillment of daily needs.

Distribution of funds is not only given directly to *mustahiq* in the form of money alone but also in the form of social aids given to *mustahiq*, among others:

- Orphanage
- Fire Victims
- Assistance for Natural Disaster Victims such as Flood, Landslide etc.
- Conducting activities the circumcision
- Activities Ramadan
- Implementation of Eid al-Adha
- The *Mustahiq* House Surgery Activities

The funds used for the construction of facilities and infrastructure of the people comes from *infaq* funds because zakat funds are not allowed to build facilities and infrastructure, including the construction of Zakat Agency office of Sukabumi Regency which is fully derived from and *infaq* because no assistance provided by the Government of Sukabumi Regency, while the funds used for the construction assistance ablution place and mosque's toilet was derived fund *infaq* households received by Zakat Agency Sukabumi Regency.

The development of the distribution of zakat funds from year to year is quite increasing. This is influenced by the increasing amount of zakat receipts collected. Funds that have been channeled to the poor, poor and convert from October

2009 to December 2014 of Rp. 383,198,364, while the funds have been channeled to *ibn sabil* and orphanage Rp. 192.072.182, Whatever for the victims of natural disasters and fire of Rp. 46.2 million.

Actually the funds that have been distributed by Zakat Agency of Sukabumi Regency are not maximal enough; this is because of the amount of fund quota that is broken down on other activities or procurement such as the construction of Zakat Agency office of Sukabumi Regency, zakat socialization and zakat operational cost not for *Mustahiq*. This is due to the lack of participation and assistance from the Sukabumi District Government, whereas in Law no. 23 of 2011 on the Management of Zakat article 31 has been explained that in carrying out its duties, the provincial Zakat Agency and the regency / municipality are funded by the Regional Revenue and Expenditure Budget and *Amil* Rights and can also be assisted by the State Budget.

The legal certainty refers to a clear, consistent, consistent and consistent application of the law which cannot be influenced by the subjective circumstances which are carried out by Zakat Agency in the distribution of zakat, the social field of humanity which has a greater percentage of zakat distribution than the economic field. In the economic field it has two programs of distribution of zakat, namely: first; zakat community development, second; *Rumah Makmur BAZNAS*. The percentage of funds disbursed for *Rumah Makmur BAZNAS* is much larger than the zakat community development plan. To manage and empower the zakat, it is necessary to have a special institution which then known as' *amil zakat*, that is the person or legal entity appointed to work professionally so that the collection and distribution of zakat can run properly and maximally to 8 *asnaf* (the rightful person receive), namely: indigent, poor, *amil zakat*, *muallaf*, *hamba sahaya* (*riqab*), *gharimin*, *fi sabilillah*, and *ibn sabil*.

To assist Zakat Agency in conducting the collection, distribution and utilization of zakat, the community can establish the Institute of Amil Zakat (IAZ). The zakat can overcome poverty can be realized if it meets the principles of Islamic values and synergies with skills in institutional management. In order for the process and the above utilization procedure may be realized then it is not enough with the power of morals (the power of *akhlaq*) that is *sidiq* and *amanah*. However, it takes intelligence (*fathanah*), which is complemented by other supporting factors such as communicative intelligence (*tabligh*) to streamline the effectiveness of ZIS and articulate the support of all parties as a force to achieve the success of the process. Justice can only be understood if it is positioned as a state to be realized by law. The effort to bring about justice in the law is a dynamic process that takes a lot of time. Attention to the condition of the people, who are left behind, both the economic, educational and cultural side, then to remonstrate the meaning of *fi sabilillah* as one of the *asahaf mustahiq* zakat, required a broader understanding to be given the right of zakat to this group. Keywords that determine the trust factor. This is the homework of Zakat Agency and IAZ. This socialization should be able to convince the public that the more appropriate with the guidance of sharia is to submit zakat to the *amil* institution, and not directly to *mustahiq*. This socialization should be able to convince the public that the more appropriate with the guidance of sharia is to submit zakat to the *amil* institution, and not directly to *mustahiq*.

CONCLUSIONS

The legal certainty refers to a clear, consistent, consistent and consistent application of the law whose implementation cannot be influenced by subjective circumstances. The social field of humanity has a greater percentage of zakat distribution than the economic. To manage and empower the zakat, it is necessary to have a special institution which then known as' the *amil zakat*, that is the person or legal entity appointed to work professionally so that the collection and

distribution of zakat can run properly and maximally to 8 *asnaf* (the rightful person accept), they are: fakir, poor, *amil zakat*, *muallaf*, *hamba sahaya (riqab)*, *gharimin*, *fi sabilillah*, and *ibn sabil*. By realizing if it meets the principles of Islamic value and synergistic with skill in institutional management. The effort to bring about justice in the law is a dynamic process that takes a lot of time. By paying attention to the condition of the people who are left behind, in terms of economy, education and culture, to demonstrate the meaning of *fi sabilillah* as one of the *mustahiq zakat*, a broader understanding is needed to be given the right of zakat to this group. Thus, this socialization should be able to convince the public that the more appropriate with the guidance of sharia is to submit zakat to the *amil zakat* institution, and not directly to *mustahiq*.

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